

Transitional Justice and Social Cohesion

Effects of Punitive and Restorative Justice on Social Cohesion Following the Rwandan Genocide

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Research Question

How do transitional justice mechanisms affect regional social cohesion throughout Rwanda following the 1994 genocide? Specifically, what effects do punitive and restorative justice have on regional social cohesion levels?

Considered hypotheses:

- H0: Neither punitive nor restorative justice affect levels of social cohesion.
- H1: Punitive justice is beneficial to social cohesion, while restorative justice is detrimental.
- H2: Restorative justice is beneficial to social cohesion, while punitive justice is detrimental.
- H3: A combination of punitive and restorative justice is most beneficial to social cohesion.

Background

The Rwandan genocide occurred over 100 days in 1994, killing an estimated one million individuals and involving another million perpetrators. Once the Rwandan Patriotic Front ended the violence and instituted a new government, gacaca courts were established as a justice mechanism to process the large number of genocide perpetrators.

Gacaca courts are a traditional part of Rwandan culture, occurring at the local level, hinging on the confession of crimes, and involving community members as judges. Following the genocide, these courts were adapted to process genocide perpetrators, with the authority to dispense punitive justice – which is a harsher, more prosecutorial justice - in the form of life prison sentences, as well as restorative justice – which is a more inclusive, individual-based justice - in the form of community service sentences. Although the courts had guidelines to follow, they also had a great deal of discretion in dispensing sentences, leading to a variance in the regional use of punitive and restorative justice. The courts occurred at the sector administrative level, of which there are 416 within Rwanda, allowing for an analysis of the regional variance in punishments dispensed. This variance and how it affected later regional levels of social cohesion is the topic of this research.

Rwanda administrative map



Data

The data used in this research comes from many datasets. The independent variables are from the Gacaca Court Database, while the dependent variables are from a number of sources, including the 2012 National Manpower Survey, the 2010 Demographic and Health Survey, a database of the crimes committed within Rwanda in 2010, and voting data from the 2013 parliamentary elections.

Control Variables

A number of variables were controlled for in analysis, including genocide killing intensity, prior levels of social cohesion, various demographic variables (such as the sex ratios, unemployment rates, educational attainment, divorce rates, population density, and age structure within sectors), and the interactive effect of punitive and restorative justice.

| | N | Mean | Min. | Max. |
|------------------------------|-----|------|------|-------|
| Independent Variables | | | | |
| % Life Prison | 395 | 4% | 0% | 40% |
| % Community Service | 395 | 29% | 0% | 100% |
| Dependent Variables | | | | |
| Community Domain | | | | |
| Voter turnout | 324 | 99% | 90% | 106% |
| Crime rate | 412 | 8.99 | 0.31 | 19.28 |
| No HS education | 412 | 47% | 0% | 100% |
| Work Domain | | | | |
| No gender policy | 412 | 31% | 0% | 100% |
| Not in trade union | 412 | 66% | 0% | 100% |
| Family Domain | | | | |
| Divorced | 412 | 1% | 0% | 25% |
| Accept wife beating | 412 | 47% | 25% | 72% |
| Poverty rate | 412 | 28% | 0% | 100% |
| Willing to move | 412 | 73% | 0% | 100% |

Analysis

Bivariate analysis is first conducted to ascertain the effects of punitive and restorative justice on the various social cohesion indicators. As can be seen in the table, 4 of 9 indicators are significantly correlated with punitive justice, while only 2 of 9 indicators are significantly correlated with restorative justice. These social cohesion indicators with a significant effect – namely crime rate, wife beating, and willingness to move – were further analyzed using multivariate regression to control for possibly spurious variables.

| Bivariate Correlations | | |
|-------------------------------|-------------|-------------------|
| | Life Prison | Community Service |
| Community Domain | | |
| Voter turnout | .100 | -.002 |
| Crime rate | .130** | .030 |
| No HS diploma | -.087 | .077 |
| Work Domain | | |
| No gender policy | .036 | -.003 |
| Not in trade union | .058 | -.038 |
| Family Domain | | |
| Divorced/separated | .022 | .009 |
| Wife beating | -.140** | .309** |
| Poverty rate | -.169** | .100* |
| Willing to move | .141** | -.036 |

Note: *p<.05; **p<.01

Only two significant effects remain when multivariate analysis is conducted: punitive justice is positively correlated with future crime rates, and restorative justice is positively correlated with future acceptance of wife beating. These trends can be seen in the above bar graphs. For the other two social cohesion indicators – namely, poverty rate and willingness to move – the significant effects of punitive and restorative justice disappear when other variables are controlled. Many of these control variables significantly affect the four social cohesion indicators analyzed, as can be seen in the table to the right. Killing intensity specifically affects 3 of the 4 indicators analyzed. Thus, of the 4 hypotheses proposed in this study, only the interactive effect of punitive and restorative justice proposed in Hypothesis 3 is completely rejected. This effect is found to be insignificant when multivariate analysis is conducted. Hypothesis 0 is supported since most of the social cohesion indicators are not affected by transitional justice, while both punitive and restorative justice are found to be detrimental to certain aspects of social cohesion, lending tentative support to both Hypothesis 2 and Hypothesis 3.

Implications

The type of justice implemented following a mass atrocity affects more than just the perpetrators being processed. Instead, the justice type could have lasting societal effects at both the community and family levels. Thus, policymakers must take this into consideration when choosing justice mechanisms to implement, exploring the potential societal consequences of all justice types before making a decision.

Potential Mechanisms

Sociological theory can explain why the use of punitive justice may lead to higher crime levels, while the mechanisms surrounding restorative justice's effect on acceptance of domestic abuse are more convoluted.

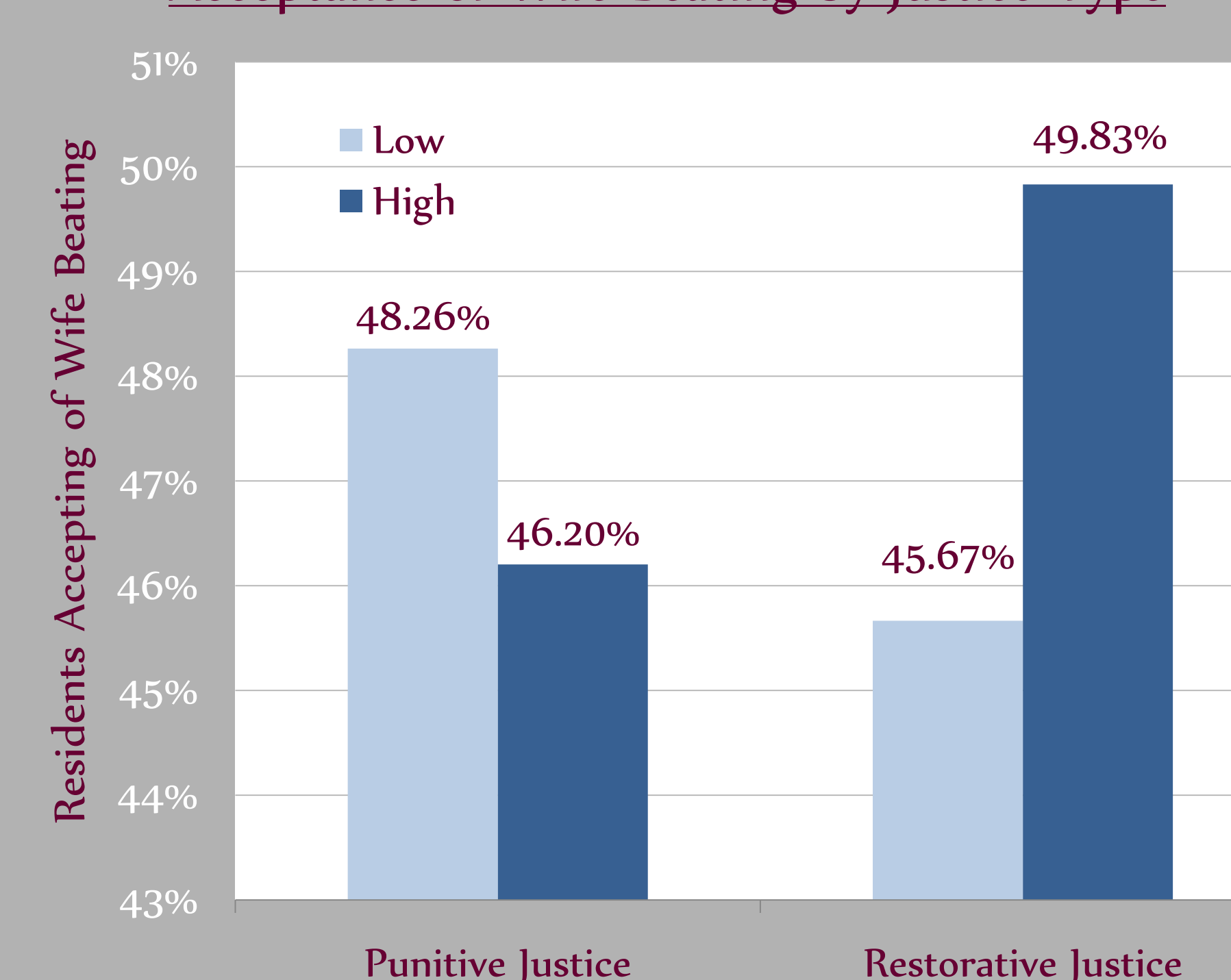
Punitive Justice and Crime

Labeling theory states that when a punitive atmosphere exists within a community, all criminals - even those who committed lesser offenses - will be socially sanctioned and receive a stigmatizing label. This will therein separate these individuals from the community, which could push them towards perpetrating future crime.

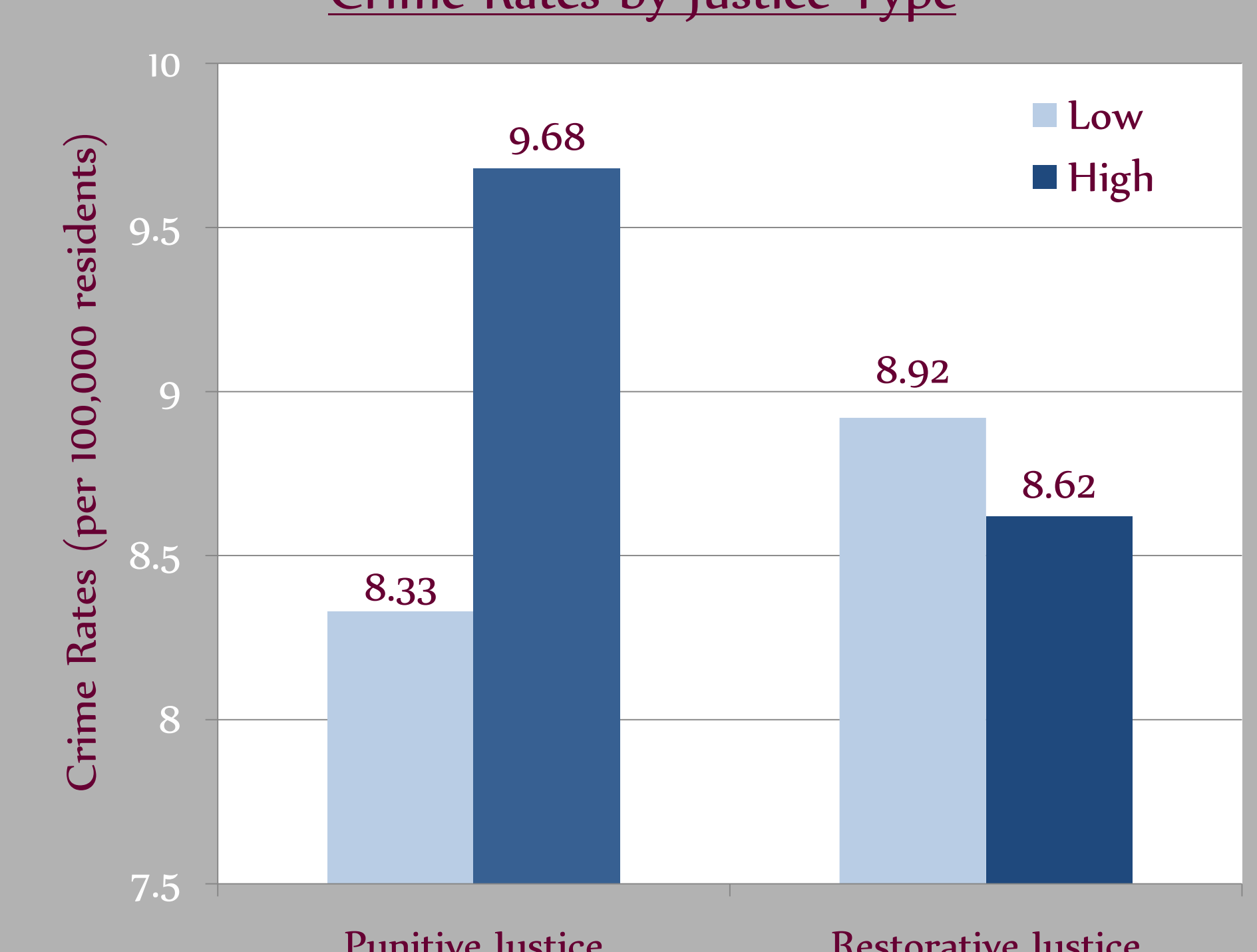
Restorative Justice and Domestic Abuse

The positive association found between restorative justice and acceptance of wife beating is troubling, but may be explained by a "dark side" of social cohesion. Wife beating should not be condoned, but some scholars suggest authoritarian family relations represent an adaptive response to genocide and are related to cultural traditions within certain countries. These views are highly contested, however, so further research is needed.

Acceptance of Wife Beating by Justice Type



Crime Rates by Justice Type



Statistically Significant Effects from Multivariate Regression

| | Justice Type | Effect | Other Variables | Effect |
|---------------------------|---------------------|---------|------------------------------|----------|
| Crime rate | Punitive justice | .175*** | Killing intensity | -.271*** |
| | | | % unemployed | -.116** |
| | | | % divorced | -.085* |
| | | | Population density | .228*** |
| Accepting of wife beating | Restorative justice | .222*** | Killing intensity | -.138** |
| | | | Prior wife beating attitudes | .235*** |
| | | | % without HS diploma | .496*** |
| Poverty rate | None | | % divorced | -.086** |
| | | | % under age 20 | .180*** |
| | | | Killing intensity | .134** |
| Willingness to move | None | | % without HS diploma | -.136** |

Note: *p<.1, **p<.05, ***p<.01; standardized coefficients

Future Research

The findings of this research are only tentative and should therefore be corroborated by conducting further research. This can be done by collecting more comprehensive data investigating crime and domestic abuse within Rwandan in greater depth. Specifically, the causal mechanisms of the effects discovered in this research should be further explored to see if they are, in fact, supported by data. Similarly, the findings of this research are for a very specific event, namely the aftermath of the Rwandan genocide. Thus, future research should explore whether the effects discovered in this research hold for other post-genocide and even post-conflict settings.